

**SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION**

FIFTY CALIFORNIA STREET, SUITE 2600

SAN FRANCISCO, CALIFORNIA 94111

PHONE: (415) 352-3618

<http://ceres.ca.gov/bcdc/>

June 26, 2001

Mr. Michael Stagg  
Scott's Restaurant  
#2 Broadway  
Oakland, California 94607

**SUBJECT: BCDC Permit No. 19-85 (B), Request for Amendment No. Eleven**  
**Permittees: Port of Oakland and Scott's Restaurant**

Dear Mr. Stagg:

On June 6, 2001, we received the Scott's Restaurant request to amend BCDC Permit No. 19-85(B) to increase the private use of the outdoor pavilion, which is required as dedicated public access. We are disappointed that Scott's Restaurant has proposed such a significant increase in private use of the pavilion. In your meeting with Will Travis, the Commission's Executive Director, and Steve McAdam, its Deputy Director, they suggested that Scott's request relatively minor changes in the use of the pavilion, such as allowing for more time to set-up and take down equipment and decorations used in the pavilion for private events and the possibility of allowing the transfer of authorized private events across months (i.e., if an authorized event did not occur in one month, it could be credited towards use in the next month). These types of minor changes could probably be approved by a non-material amendment of the existing permit. This approach would allow Scott's to demonstrate that it can comply with these reasonable conditions before applying to the Commission for increased private use of a public access area.

Unfortunately, Scott's has proposed to make major changes to the permit. We understand the amendment request to include the following: (1) public uses would be authorized for 255 days each year and private uses would be authorized for 110 days each year. The permit currently authorizes 292 days each year for public uses and 73 days each year for private uses; (2) unlimited use would be allowed during the weekends, although no more than three consecutive private events would occur at one time. The permit currently limits the number of private events that may be held during weekends each month; and (3) the curtains that surround the pavilion would be lowered two hours before and raised two hours after a private event. Currently, the permit allows one hour for this preparation work. Is this description of your amendment request correct?

Because the proposed amendment would significantly increase the private use of the public access area and consequently would significantly decrease the public's use of the pavilion, our staff cannot approve this amendment request administratively. Instead, we will process the amendment request as a material amendment to the permit, which will require a public hearing before and a vote by the Commission. The following items need to be submitted to file your material amendment request as complete:

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1. **Processing fee for a material amendment.** Please submit the processing fee required for a material permit amendment of \$250.
2. **Representation of each co-permittee.** Please provide evidence that you are legally able to represent Mr. Ray Gallagher during the permit amendment process. Because Mr. Gallagher is the permittee identified for Scott's Restaurant, a letter to us from Mr. Gallagher requesting that you act as his representative is required. In addition, the Port of Oakland, as a co-permittee to this permit, must acknowledge that it is willing to join in this amendment request.
3. **Project Details.** The pavilion is located in a dedicated public access area that is important to providing a connection to the public access boardwalk in front of Scott's Restaurant. The intent of allowing the construction of the public pavilion and its limited private use was to enliven the "back-lot" atmosphere of this area and encourage its use by the public. However, your amendment request includes the unlimited use of this space during weekends, although no more than three consecutive events would be held.

Please describe, in detail, what a "full" weekend of private events might include. Might it include a Friday night event, a Saturday wedding, and a Saturday evening party (a Sunday event would exceed the three consecutive event limit)? Through further discussions and information submittals, we must clarify the amount of private use that would occur at the pavilion; a clear schedule of private use must be presented to the Commission to avoid any future misunderstandings.

4. **Local Approval.** Please provide evidence that no local approval would be required for this permit amendment request.
5. **Notice of Pending Application.** Enclosed is the completed "Notice of Application", which the Commission's regulations require to be posted at or near the project site in a prominent location before a permit amendment request can be filed. Please post the Notice so that it will be visible to members of the public.
6. **Certification of Posted Notice.** Please complete the form that certifies that you have posted the "Notice of Pending Application", and return the form to the Commission's office. The staff cannot file your amendment request as complete until the "Notice of Pending Application" has been posted and you have returned the signed form.

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Please provide the information described above to file your permit amendment request as complete. If you have any questions, please contact me at (415) 352-3618.

Sincerely,

A handwritten signature in black ink, appearing to read "AM Gaut", written in a cursive style.

ANDREA M. GAUT  
Coastal Program Analyst

AMG/ra

Enc.

cc: Port of Oakland, Attn: Mr. Joseph Wong  
Ms. Mary King

## CERTIFICATION OF POSTING OF NOTICE

**Andrea M. Gaut, Coastal Program Analyst**

San Francisco Bay Conservation  
and Development Commission  
50 California, Suite 2600  
San Francisco, California 94111

RE

:

Increase the private use of the pavilion located outside the Scott's Restaurant at Jack London Square, Port of Oakland, Alameda County. The pavilion is dedicated public access required under BCDC Permit No. 19-85 (B). As currently authorized, public use of the pavilion is limited during the weekends. The permittees have requested an amendment to the permit that would allow unlimited use during the weekends, although no more than three consecutive private events would occur at one time.

I,

Port of Oakland and Scott's Restaurant

*(name of applicant or agent)*

hereby certify that on \_\_\_\_\_  
*(date)*

I or my agent or employee posted in a prominent location at or near the project site the Notice of Application provided by the San Francisco Bay Conservation and Development Commission.

Date: \_\_\_\_\_ By: \_\_\_\_\_  
*(Signature)*

Title: \_\_\_\_\_  
*(Title)*

# NOTICE

DATE POSTED: \_\_\_\_\_ 20 \_\_\_\_\_

**NOTICE IS HEREBY GIVEN THAT**

Port of Oakland and Scott's Restaurant

**HAS SUBMITTED AN APPLICATION TO THE  
SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION REQUESTING A  
PERMIT TO** *(brief description of work and uses)*

Increase the private use of the outdoor pavilion. The pavilion is dedicated public access required under BCDC Permit No. 19-85 (B). As currently authorized, public use of the pavilion is limited during the weekends. The permittees have requested an amendment to the permit to allow unlimited use during the weekends, although no more than three consecutive private events would be authorized at one time.

**AT A PROPERTY KNOWN AS** *(address or other property description)*

the outdoor pavilion, Scott's Restaurant, Jack London Square, Port of Oakland, Alameda County.

Persons interested in the project proposed in the application may request further information and notice of any hearings by writing to the Commission at 50 California, Suite 2600, San Francisco, California 94111, or by telephoning (415) 352-3600. The application and any supplementary materials may be reviewed at the Commission's offices. Members of the public may comment on the project proposed in the application. Comments should be submitted to the Commission's offices immediately and directed to Andrea M. Gaut.

